

counterpart Chinese application. Applicant respectfully requests consideration of the reference(s) cited therein.

Section Two of the Office Action indicated that independent claim 17, among others, was rejected under 35 U.S.C. §102(a) as being anticipated by Grenfell (U.S. Patent Publication 2004/0194499). Regarding claims 17-19, Page Three of the Office Action asserts that Grenfell teaches contacting the incompressible fill fluid with a getter to absorb hydrogen released into the incompressible fill fluid, citing paragraphs 44-46 and 51. Applicant respectfully notes that those paragraphs refer to the utilization of a getter and absorbent materials to provide for out-gassing of the stainless steel and/or other steel and installation materials in order to maintain a long term vacuum and performance of the installation system. Applicant respectfully notes that the Grenfell application has a filing date of March 31, 2004, which is after the filing date of the present application (December 16, 2003). However, Applicant does note that the Grenfell application claims priority to U.S. Provisional Application Serial Number 60/459,893 filed on April 1, 2003. Applicant has obtained a copy of that provisional application and provides such copy herewith as Exhibit A. In particular, Applicant respectfully notes that the provisional application is decidedly silent on the utilization of a getter. Accordingly, to the extent that the Grenfell application is being used to provide the subject matter of a getter, Applicant respectfully submits that the Grenfell application is not prior art. Accordingly, Applicant respectfully submits that independent claim 17, as well as dependent claims 18-21 are allowable over the Grenfell application.

In conclusion, Applicant respectfully submits that the entire application is now in condition for allowance. Reconsideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Christopher R. Christenson, Reg. No. 42,413
Suite 1400 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

CRC:sew